



622546

U.S. DISTRICT COURT, SOUTHERN DIST.  
NEW YORK

INDEX NO: 4415/08

FILE DATE: 5/1/2008

ATTY: SCOTT A. LUCAS

60 EAST 42ND STREET

SUITE 1001

NEW YORK, NY 10165

EPS No: 597015

Attorney File No:

Batch No: 0

STATE OF NEW YORK: COUNTY OF NEW YORK

YOU YOU XIA, PETER CLASEN, ET AL

Plaintiff(s)

- against -

BYO CO. (USA), LTD. D/B/A EN &amp; REIKA YO

Defendant(s)

**STATE OF NEW YORK, COUNTY OF QUEENS: SS:**

YOLER JEAN BAPTISTE BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION AND IS OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on 6/20/2008 at 3:40PM at BYO CO. (USA), LTD. D/B/A EN, 435 HUDSON STREET, NEW YORK, NY 10014 deponent served the within SUMMONS & COMPLAINT IN A CIVIL ACTION on REIKA YO. At time of service the index number and date of filing were on the SUMMONS & COMPLAINT IN A CIVIL ACTION

**SUITABLE AGE PERSON**

Service was made in the following manner after your deponent was unable with due diligence to serve the defendant in person. By delivering a true copy of the thereof to and leaving with "JANE DOE", WHO REFUSED TO GIVE NAME, CO-WORKER a person of suitable age and discretion at BYO CO. (USA), LTD. D/B/A EN, 435 HUDSON STREET, NEW YORK, NY 10014, the said premises being the defendants Place of Business within the State of New York.

**MAILING First Class Mail**

Deponent completed service under the last two sections by depositing 1 Copy of the SUMMONS & COMPLAINT IN A CIVIL ACTION to REIKA YO at BYO CO. (USA), LTD. D/B/A EN, 435 HUDSON STREET, NEW YORK, NY 10014 in a postpaid, properly addressed envelope in an official depository under the exclusive care and custody of the United States Post Office in the State of New York on 6/23/2008 via First Class Mail. The mailing was made to the address bearing 'PERSONAL & CONFIDENTIAL' and not indicating 'LEGAL ACTION'. NP

**A DESCRIPTION OF THE DEFENDANT OR OTHER PERSON SERVED ON BEHALF OF THE DEFENDANT IS AS FOLLOWS:**

Approximate age: 30

Approximate weight: 130

Approximate height: 5'6"

Color of skin: WHITE

Color of hair: BLACK

Sex: F

**Military Service** ☒ Upon information and belief I aver that the defendant is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

*[Signature]* 113936

Sworn to before me on JUN 25 2008

LUIS A. CRESPO

Commissioner of Deeds

City of New York No. 4-4920

Certificate Filed in Queens County

Commission Expires Aug. 1, 2009

KEVIN T. MACTIERMAN

NOTARY PUBLIC-STATE OF NEW YORK

No. 01MA6108632

Qualified in Nassau County

Commission Expires 4/19/2008

ARTAK RAEVSKY

NOTARY PUBLIC-STATE OF NEW YORK

No. 01RA6123189

Qualified in Queens County

Commission Expires 2/28/2009

LORRE A. DUNNE

NOTARY PUBLIC-STATE OF NEW YORK

No. 01DU8016358

Qualified in Queens County

Commission Expires 11/16/2010

COURT: U.S. DISTRICT COURT, SOUTHERN DIST.  
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Defendant(s)

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**AFFIDAVIT OF SERVICE**  
\_\_\_\_\_

SCOTT A. LUCAS  
Attorney for Plaintiffs  
60 EAST 42ND STREET  
NEW YORK, NY 10165  
212-573-6906  
212-286-9516

**Elite Process Servers, Inc. \* 88-08 Little Neck Parkway, Floral Park, NY 11001**